

[illegible]

The Executive Session was called to order by Vice-Chairman Kenneth Keller at 7:00 PM.

Present were Kenneth Keller, Joel Urice and Alternate Helen Hoffstaetter. Also present were Corporation Counsels' Robert Yamin and Lazlo Pinter, Acting Corporation Counsel Daniel Casagrande, Associate Planner Jennifer Emminger and Deputy Planning Director Sharon Calitro.

Absent were John Deeb, Edward Manuel and Alternates Paul Blaszk and Fil Cerminara.

Mr. Keller explained that Chairman Finaldi is not present because he had recused himself from this matter, so he would join them later for the regular meeting. He then asked Ms. Hoffstaetter to take Mr. Deeb's place for this matter. The Commission then invited Mrs. Calitro and Mrs. Emminger to join them for the Executive Session.

Mr. Urice made a motion to go into Executive Session to discuss Litigation strategy relative to “the City of Danbury Planning Commission vs. MSW Associates, LLC “. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

At 7:25 PM, Mr. Urice made a motion to come out of Executive Session. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

[illegible]

The regular meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were Kenneth Keller, Joel Urice, Arnold Finaldi Jr. and Alternate Helen Hoffstaetter. Also present was Associate Planner Jennifer Emminger.

Absent were John Deeb, Edward Manuel and Alternates Paul Blaszk and Fil Cerminara

Chairman Finaldi asked Ms. Hoffstaetter to take Mr. Deeb's place for the items on tonight's agenda.

Chairman Finaldi explained that he had received an e-mail from Mr. Blaszkowski explaining that he is very busy with his job and has been unable to attend any meetings. Chairman Finaldi said he had suggested to Mr. Blaszkowski that he consider resigning since he has not been at a meeting in over a year.

Mr. Manuel mentioned that a former member of the Commission, Steve Zaleta, had passed away. He was a former Vice-Chairman of this Commission who was always concerned about doing the best for the residents. Mr. Keller said he served with Mr. Zaleta for three years and remembered that he was very strict about safety issues and always insisted on sprinklers or hydrants.

Mr. Urice then made a motion to authorize Corporation Counsel and the Planning Dept. Staff to proceed with the pending litigation as discussed during the Executive Session. Mr. Keller seconded the motion and it was passed unanimously.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

PUBLIC HEARING:

7:30 PM – Wooster School Corporation – Application for Lot Line Revision to previously approved subdivision in the RA-40 Zone – Miry Brook Rd. & Noteworthy Dr. (#E19001) – SUB #08-03.

Mr. Keller read the legal notice. Attorney Neil Marcus spoke in favor this application. Also present was Ray Sanford, PE from TPA Design Group who is the agent for the applicant. Attorney Marcus said this is a request for a lot line revision for a 2-lot subdivision of the Wooster School property. The two lots consist of Parcel Br/Wooster School (94.94 acres) and Parcel X (17.37 acres). This request is to increase the size of Parcel X to 63.37 acres and reduce the size of Parcel Br to 48.94 acres. He added that they plan to knock down four of the old houses on the Wooster School parcel and replace them with an athletic field. He said the driveway shown coming off of Noteworthy Dr. meets the grade requirements. The open space exceeds what is required and they are nowhere near the 15% maximum coverage. He said if they come in with a cluster development, it could possibly be serviced from Backus Ave. Chairman Finaldi asked if the houses have to be demolished before approval is granted. Mrs. Emminger said at this time lot does not comply with Zoning because of there being five houses on the one lot. Attorney Marcus said they don't want to tear the houses down until the lot line revision is approved. He suggested they could condition this so the Chairman cannot sign the mylar until houses are demolished. Mr. Urice asked if this can be approved without the driveway being constructed. Mrs. Emminger said they can still use the existing driveway but they have to show they own a driveway in fee simple. Attorney Marcus said this will only become an issue when the two lots are no longer owned by the same party. Mrs. Emminger said the Airport Administrator had reviewed the plans and the staff report but he wants to the applicant's response to the City comments before he gives his final okay. Mrs. Emminger said the applicant needs to review the plans to be sure the notes regarding the easements are correct on them. Mr. Sanford said they checked the map over again since receiving the staff report and they feel the notes are correct as indicated.

Chairman Finaldi asked if there was anyone to speak in opposition and one person came forward.

Benjamin Chianese, 5 Briar Ridge Rd., said his only concern is the same as it was with the previous application. He said he is not concerned with how you enter the property; his concern is with how you exit the property. Noteworthy Dr. does not need more traffic and the proposed driveway may not satisfy EIC. He added that he was pleased that this plan does not have access or egress to Noteworthy Dr. He then asked that testimony from the previous application be added to this file. Chairman Finaldi said they cannot do that because this is a different application than the previous one. Mrs. Emminger agreed that she would not advise the Commission do that.

Chairman Finaldi asked Mrs. Emminger if they should close the hearing. She suggested it be kept open so she can get the comments from the Airport Administrator and to give her time to review the revisions that have just been submitted. Mr. Sanford said they have had the wetlands identified on these plans and the proposed location of the driveway is not in the wetlands area. He added that they have not yet made application to EIC. Mrs. Emminger said the question of when to go to EIC arose during the previous application and it was decided they should wait until they submit the actual development proposal. Attorney Marcus said the cluster development design is still being worked on. He added that Ye Olde Rd is no longer a City road, it is now part of Wooster school. Mr. Urice suggested they move this matter to item one under Old Business for discussion

Chairman Finaldi said although they did not close they public hearing, they felt they should discuss it so Mrs. Emminger has some idea of which way to go with the resolution. Mr. Urice expressed concerned

40-44 Mill Plain Rd – Application for Special Exception to Allow Uses Exceeding 500 Vehicle Trips per day in the CA-80 Zone – 40-44 Mill Plain Rd. (#E15110) – SE #705.

Chairman Finaldi said there were no Referrals and nothing under Other Matters. He said listed under Correspondence was the schedule of regular meetings for 2011. And under For Reference Only, there was one application for a Floodplain Permit.

At 8: 30 PM, Mr. Urice made a motion to adjourn. Mr. Manuel seconded the motion and it was passed unanimously.